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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,083	07/14/2000	Jin-Meng Ho	03493.00078	5573

28317 7590 06/29/2004

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EXAMINER

BLOUNT, STEVEN

ART UNIT	PAPER NUMBER
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2661

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DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,325

Applicant(s)

NEVO ET AL.

Examiner

Steven Blount

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 - 4, 6, 8 - 14, and 16 - 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 - 4, 6, 8 - 14, and 16 - 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/5/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11, 12.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 – 4, 6, 8 – 14, and 16 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,631,122 to Arunachalam et al.

With regard to claim 9, Arunachalam et al teaches a virtual stream of information (col 4, lines 50+) in a wireless network 204 (figure 2) between a QoS agent/manger 205 (“interlinked”, see col 4, line 43) and endsystems 209 (col 4, line 52) wherein the agent/manager are both in the same communication set. Arunachalam et al also teaches that forward path processes occur on layers 1 – 3 in col 4 lines 53+, and also that mapping IP flows to lower (layers 2/1) occurs. See the discussion of the functions which occur on the downlink direction in col 8 lines 55+. See also the discussion of the LAC/MAC layer in col 6 line 5. In column 4, lines 23+, it is stated that “The QoS Agent provides the following capabilities of Diff-Serv’s bandwidth broker: Intra-domain as well as inter-domain service level negotiation; per-domain admission control, *resource reservation*; and per-domain flow marking policy management and enforcement” (emphasis added). While it is not explicitly stated that the resource provided is bandwidth, the examiner believes that in a wireless environment such as that taught in

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Arunachalam et al, it is obvious that bandwidth is what is being reserved. Further, note the fact that it is stated that the QoS agent provides the capability of a *bandwidth* broker, and finally observe that bandwidth is a term that is read broadly to include many types of communication resources.

With regard to the following claims (hereinafter referred to as "CI"), note the following: CI 2 - 3: VSID identifier: see the "unique identifier" LFI in col 6, line 8 and note that it is well known that IP packets of the type used in Arunachalem et al use source and destination addresses; CI 4: MAC sublayer: see col 4, line 54 (layer 2) and the LAC/MAC layer discussed throughout; CI 6: It would be obvious for the member that sets up the connection to tear it down; CI 8: see the rejection of claim 6 above; CI 10: PC/non-PC is shown in the figures, and downlink is mentioned in the patent (col 8); CI 11: uplink is mentioned in col 10; CI 12: note the multiple mobile systems associated with member 205 in figure 2 (ie, members 209); CI 13 – 14: multicast/unicast are well known methods of transmission of which it would be obvious to utilize in Arunachalam et al; CI 16: see the discussion above, and note that in col 8, lines 7+, it is stated that a tag is assigned by a wireless QoS agent to a flow; and that in lines 13+, it is stated that the logical flow ID "associates a particular service class with a flow; and (ii) it helps in routing the flow to its allocated resource entities. See also col 4, lines 60+; CI 17 – 22: note the multimedia application discussed in the abstract, wherein these are often bursty data; CI 23: token bucket values are obvious and well known measures of data; CI 24: 204 in figure 2 is a WLAN.

Response to Arguments

3. Applicant's arguments filed 5/24/04 have been fully considered but they are not persuasive.

As discussed in the rejection of claim 9, resource reservation is taught in Arunachalam. Also, with respect to claim 16, the difference between jitter and "jitter bound" is an obvious and minor one, and flow classification, marking, and mapping are mentioned in col 4, lines 40 and 53+. With respect to the flow ID in Arunachalam et al being associated with QoS, see the rejection of claim 16 for the pertinent portions of Arunachalam cited.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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5. Steven Blount may be reached at the Patent Office at 703-305-0319 between the hours of 9:00 and 5:30 P.M.


Ajit Patel
Primary Examiner

SB


9/16/04